THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.27135 of 1996

Date 12.12.2006

Between:
Y.Ravinder Reddy.

..... PETITIONER

AND

The Additional Assistant Engineer, A.P.S.E.B., Kalwakurthy & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.27135 of 1996

ORDER:

This writ petition has been filed to declare the action of respondents 1 and 2 in not regularizing the electric power supply to 5 Horse Power Agricultural load (bore well) installed by the writ petitioner in his land in Sy.No.267 of Kalwakurthy village.

When the writ petitioner filed his application seeking regularization of his unauthorized power connection, the same has been turned down on the ground that Sri Y.Kista Reddy, the local M.L.A. has raised an objection against regularizing the bore well connection of the writ petitioner, and therefore, they have turned down the request of the writ petitioner. Respondents have not disputed that the writ petitioner had been unauthorisedly utilizing the electric energy for operating his agricultural bore well but, it appears that the Board has proposed to regularize such unauthorized low tension agricultural connections by collecting a sum at the rate of Rs.1,000/- per Horse Power or part thereof towards development charges upto 30-11-1996 and thereafter, at the rate of Rs.3,000/- per Horse Power or part thereof towards development charges and Rs.500/- per Horse Power or part thereof towards penal charges. Detailed instructions in this regard had been passed on by the Chief Engineer, Electricity, Hyderabad Zone, Hyderabad, A.P.S.E.B. in his memo dated

02-11-1996. The writ petitioner appears to have filed an application seeking benefit of regularization on 30-11-1996. Firstly, the 4th respondent-MLA is clearly in the wrong in obstructing the regularization scheme being given effect to in favour of the writ

petitioner. Being a public representative he is supposed to protect the interests of public institutions. Due to his intervention, the respondents 1 and 2 have unnecessarily delayed the regularization of the connection of the writ petitioner and in the process lost the opportunity of collecting quality money in time. Secondly, the official respondents ought to have applied their minds independently to the issue.

The counter affidavit that has been filed today discloses that if the petitioner is willing to pay up the necessary charges in terms of the memo dated 02-11-1996, respondents 1 and 2 are prepared to give fresh service connection or regularize the existing connection.

In view of this statement, the writ petition is disposed of directing the respondents 1 and 2 to collect the necessary charges from the writ petitioner and regularize the unauthorized low tension agricultural connection for the bore well dug up by the petitioner within a period of two weeks from today. It is open to the respondents 1 and 2 to collect the energy consumption charges beyond 30-11-1996, treating the order of regularization of his agricultural connection to have been passed as on 30-11-1996. For paying up the energy consumption charges for the period from 30-11-1996 onwards, the prevailing energy consumption charges from time to time alone shall be levied but not the energy charges which are prevailing as on today. The writ petitioner should also be given a reasonable time of at least three months to pay up the energy consumption charges for the period from
30-11-1996 uptil now. If the writ petitioner has already paid any amount towards the energy consumption charges so far, the same will be given credit to. No order as to costs.

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